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MAURITANIA

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CONTENTS

		Paragraphs	Page
I.	GENERAL INFORMATION	1 - 12	2
	A. Geographical data	1 - 5	2
	B. Population and social development	6 - 12	2
II.	ADMINISTRATIVE AND POLITICAL STRUCTURES	13 - 33	4
	A. Administrative structures	13 - 16	4
	B. Political structures	17 - 33	4
III.	CONSTITUTIONAL GUARANTEES AND GENERAL LEGAL FRAMEWORK FOR THE PROTECTION OF HUMAN RIGHTS	34 - 39	9
	A. Constitutional guarantees	34 - 38	9
	B. Treaty guarantees	39	10

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I. GENERAL INFORMATION

A. Geographical data

1. The Islamic Republic of Mauritania lies between lat. 15° and 27° N and long. 6° and 19° W , with a surface area of 1,037,000 km².

2. The country is bounded on the north-west by Western Sahara, on the north by Algeria, on the east by Mali, on the south by Mali and Senegal and on the west by the Atlantic Ocean.

3. In the central and northern parts of the country the landscape is in the form of mountainous plateaus, such as the Adrar and Tagant Massifs, which rise to a height of 400 to 800 m. The Senegal River valley, known as Chemama, extends through the south, while the remainder of the country consists chiefly of sand-dune formations.

4. Mauritania is divided into four climate zones:

(a) The pre-Sahelian or Senegal River zone, which is characterized by annual rainfall of as much as 300-400 mm and flood recession agriculture;

(b) The Sahelian zone, which has a dry climate characterized by an annual rainfall of between 100 and 300 mm;

(c) The vast Saharan zone in the north, where rainfall is highly irregular, totalling less than 100 mm a year, and sources of water are scarce outside a few oases where the introduction of large palm plantations has fostered the growth of sizeable settlements;

(d) A coastal zone influenced by the Atlantic Ocean.

5. Mauritania was severely affected by the 1972-1984 drought, which resulted in major population movements and significantly limited the country's ability to engage in agriculture and livestock-raising, causing the standard of living in rural areas to decline. Despite increased rainfall in recent years, the social and economic situation in these areas remains fragile.

B. Population and social development

6. The population of Mauritania was estimated at 2,350,000 inhabitants in 1996. With regard to its structure, the population comprises an Arab majority and non-Arabic-speaking Pular, Soninke and Wolof. These groups have lived in harmony, unity and solidarity for centuries and have succeeded in forging a united and brotherly nation both before and during the period of colonization and in their new modern State.

7. In terms of beliefs, the Mauritanian people is exclusively Muslim. Mauritanians have always been Sunni Muslims, following the Malakite rite. This is a moderate form of Islam, free from any sectarianism or dogmatism. Owing to its tolerance, it encourages solidarity, fosters unity, disdains violence and hatred and combats arbitrariness and oppression. It has been the true unifying agent of the national character.

8. The annual population growth rate is 2.9 per cent; life expectancy at birth is 51.3 years and the fertility rate is 6.32 per cent.

9. The worsening of climatic conditions during the past 20 years as a result of drought has led to a massive movement of population towards the towns and thus to an urbanization fraught with problems. In 1970 rural nomads accounted for 72 per cent of the total population; this proportion fell to 32.9 per cent in 1977 and 11.4 per cent in 1988.

10. A breakdown of the population by age group reveals that half the population is under the age of 18.

11. The population policy statement adopted by the Government sets sustainable improvement in living conditions as the main goal; this is to be achieved through the continuation of ambitious poverty-reduction, literacy, food security, land reform and women's programmes.

12. An improvement in the main socio-economic indicators reflects the progress that has been achieved in the area of social development during the past decade, as seen from the following table:

SOCIO-ECONOMIC INDICATORS	1988	1998
Total population (thousands)	1 864	2 493
Area (km²)	1 030 700	
Population density (inhabitants/km²)	1.8	2.4
Per capita GDP (in local currency, ouguiyas)		80 271
Access to heath-care services (%)	33	79
Access to drinking water (installations)	435	2 018
Access to adequate sanitation facilities	50	61
Crude primary school enrolment rate (%)	52.2	86.00
Crude secondary enrolment rate (%)		37.4
Boys		39.4
Girls		35.3
Higher education (students registered) (20-24 years)	1 997	9 147
Literacy rate (%)	38.4	52.4
Aged 15 years and over (%)		50.8
GDP growth (%)		2.29
Life expectancy at birth (years)	48.3	52.8
Crude birth rate (%)	45.2	43.7
Crude mortality rate (%)	18.1	14.1
Infant mortality (per 1,000 live births)	124	105.5
Maternal mortality (per 100,000 live births)	960	904
Fertility rate (children per woman)	6.3	6.3
Number of inhabitants per doctor	10 225	9 518
Urban population (%)	41.6	53.0
Rural population (%)	58.4	47.00
Annual growth rate (%)		
Total population	2.93	2.98
Urban population		5.3
Rural population		0.49
Active population (thousands)	583 241	728 462
Crude participation rate (%)	31.11	29.2

II. ADMINISTRATIVE AND POLITICAL STRUCTURES

A. Administrative structures

13. Mauritania is divided into 13 wilayas (regions), including the Nouakchott Capital District. Each wilaya forms a decentralized administrative unit. Wilayas are divided into moughataas (departments), which are subdivided into districts. The smallest administrative unit is the commune. There are 53 moughataas and 208 communes in the country.

14. Each wilaya is under the authority of a wali (governor), who represents the executive power; moughataas are headed by a hakem (prefect) and districts by a district chief.

15. Since 1989 the Government has been carrying out an administrative and institutional reform aimed at reorganizing the civil service so that it better meets the needs of the population. Decentralization of administrative structures has been the strategic tool of choice, mainly because it is better suited to solving administrative, organizational and institutional problems that were previously dealt with by centralized systems.

16. Decentralization works particularly well in the areas of education, health care and rural development because of their impact on the population's daily life.

B. Political structures

17. Mauritania's modern political history can be divided into three distinct periods:

(a) French colonial rule (1903-1960);

(b) The period of emergency rule under two separate regimes:

(i) The civilian regime marked by single-party rule by the Parti du peuple mauritanien (1961-1978);

(ii) The military regime, with power concentrated in the hands of military committees (1978-1991);

(c) Multiparty democracy (since 1991), with a Constitution adopted following a popular referendum.

18. For practical reasons, this document will focus on the political structures set up since the advent of multiparty democracy.

19. The Constitution establishes the political, economic, cultural and social rights of all segments of Mauritanian society and reaffirms Mauritania's commitment to the Universal Declaration of Human Rights and to the African Charter of Human and Peoples' Rights. It guarantees the separation of powers, but also provides for a balance between them.

1. The President of the Republic

20. The President of the Republic is the guarantor of the Constitution. He personifies the State and ensures the regular and ongoing functioning of government. He is elected to a six-year term by direct universal suffrage. In order to avoid the undue influence of particular groups, every presidential candidate must be sponsored by 50 municipal councillors, who must represent at least 10 wilayas; no wilaya can provide more than one fifth of a candidate's sponsors.

2. The Government

21. Under the leadership of the Prime Minister, the Government ensures that general State policy is implemented in accordance with guidelines issued by the President of the Republic. Members of the Government are appointed by the President of the Republic on the proposal of the Prime Minister.

3. Parliament

22. Parliament is bicameral, comprising the Senate and the National Assembly.

23. Deputies to the National Assembly are elected to a five-year term by direct universal suffrage, while senators are elected to a six-year term by indirect universal suffrage and represent territorial communities and Mauritanians living abroad. One third of the Senate's membership is renewed every two years.

24. Mauritanian legislation covers the fundamental rights and duties of persons, nationality, alien residency requirements, electoral regulations and territorial division into constituencies, regulations governing the ownership of property, the general organization of the civil service, economic and social activities of the State and so forth.

25. The National Assembly may dissolve the Government by a vote of no confidence or by passing a motion of censure.

4. The judiciary

26. The judiciary is independent of the legislative and executive branches.

27. The President of the Republic is the guarantor of the independence of the judiciary. He is assisted in this role by the Supreme Council of the Judiciary, of which he is President, and which is composed of:

(a) The Minister of Justice, Vice-President;

(b) The President of the Supreme Court, member;

(c) The most senior Vice-President of the Supreme Court, member;

(d) The Procurator-General attached to the Supreme Court, member;

(e) The Inspector-General of the judiciary and prisons administration, member;

(f) Three judges elected by their peers to a two-year term, members;

(g) A non-parliamentary representative of the Senate who is appointed each judicial year by the President of the Senate, member;

(h) A non-parliamentary representative of the National Assembly who is appointed each judicial year by the President of the Assembly, member.

28. The law guarantees the independence of judges in issuing judgements and protects them from any form of pressure that might influence them in the exercise of their functions (art. 15 of Organic Act No. 94-012 of 17 February 1994, on the status of the judiciary).

29. In Mauritania justice is administered by the following institutions:

(a) Moughataa courts. These courts have a single judge who presides over the proceedings and is assisted by two co-magistrates;

(b) Wilaya courts. These comprise four divisions: civil, commercial, administrative and criminal; there are also one or more investigative units. The prosecution is represented in these courts by a Procurator of the Republic or one of his deputies. Each division is presided by a judge who is assisted by two magistrates with consultative powers;

(c) Labour courts. Labour courts are presided by a judge and co-magistrates, as required by the Labour Code;

(d) Appeals Court. The Appeals Court, which has the same divisions as the wilaya courts, hears appeals against judgements rendered at first instance. The prosecution is represented by the Appeals Court Procurator or one of his deputies;

(e) Criminal courts. A criminal court whose jurisdiction and functioning are determined by the Code of Criminal Procedure is established at the administrative seat of each wilaya;

(f) Supreme Court. This court has a president, four vice-presidents, each of whom is head of a division, and several advisers. The Supreme Court has the following divisions:

(i) Administrative;

(ii) Civil and commercial;

(iii) Social;

(iv) Criminal.

30. In administrative matters the Supreme Court has jurisdiction over illegality proceedings, determination of the lawfulness of individual administrative or regulatory acts, litigation concerning the status of public officials or civil servants and local authorities and disputes relating to the public domain.

31. In judicial matters the Supreme Court rules on appeals relating to lack of jurisdiction or violations of the law in respect of decisions rendered without right of appeal by the courts or by the Council for the arbitration of collective labour disputes; it also rules on judgements rendered with or without right of appeal by the moughataa courts. In addition, the Supreme Court may rule on:

(a) Applications for review;

(b) Applications for referral to another court;

(c) Conflict-of-jurisdiction applications;

(d) Appeals against judicial misconduct;

(e) Proceedings against judges and certain categories of civil servant, as provided for in the Code of Criminal Procedure;

(f) Conflicting decisions judgements rendered without right of appeal by different courts in cases involving the same parties and using the same arguments.

32. The Supreme Court may also be invited to give its opinion on questions of a legal nature raised by ministers in connection with the functioning of their departments.

5. Other institutional bodies

33. In addition to the three traditional powers (legislative, executive and judicial), and with a view to strengthening the rule of law, existing democratic organizations have been supported by the establishment of the following bodies:

(a) Constitutional Council. This body oversees the regularity of elections, considers applications and rules on the constitutionality of laws. It has six members, two of whom are appointed for three years, two for six years and two for nine years. The President of the Republic nominates a member of each group and appoints the Council President from among them. The President of the National Assembly nominates one member for nine years and one for three years. The President of the Senate nominates one member for six years;

(b) High Court of Justice. This Court is composed of members who are elected in equal number by the National Assembly and the Senate from among their members after each parliamentary election. The Court has jurisdiction to hear cases of aggravated high treason by the President of the Republic, the Prime Minister or members of the Government;

(c) Court of Audit. The Court of Audit is the highest institution for the audit of public finances. By its ongoing and systematic verification, information and advisory activities it contributes to the achievement of the following goals:

(i) Protection of public finances;

(ii) Improvement of management methods and techniques;

(iii) Rationalization of administrative procedures.

The Court of Audit is composed of the following members:

(i) The President of the Court;

(ii) The presidents of the divisions;

(iii) The presidents of the sections;

(iv) Advisers;

(v) Auditors.

(d) Supreme Islamic Council. This institution is composed of five members appointed by the President of the Republic. It issues opinions on matters on which it is consulted by the President of the Republic.

(e) Economic and Social Council. The Economic and Social Council is requested by the President of the Republic to give its views on draft laws, orders and decrees of an economic and social nature and on bills of the same kind that are submitted to him. The Council may also be consulted by the President of the Republic on any economic or social matter of concern to the State.

(f) Mediator of the Republic. The Mediator of the Republic is an "independent authority"; he is appointed for an indefinite term of office. He receives applications from citizens relating to unsettled disputes in their relations with State administrations, territorial public authorities, public establishments and all other public service bodies. He advises the President of the Republic on disputes between citizens and the administration. He may also take part in improving the functioning of administrative bodies whose unsatisfactory operation he has found to be harmful to citizens by formulating proposals and suggestions designed to improve the functioning of the bodies concerned. The Second World Congress of Ombudsmen and Mediators of French-Speaking Countries, which was held at Nouakchott from 19 to 21 May 1998 and had as its theme the topic "Ombudsmen and Mediators: the independence of the institution in the service of democracy", paid a tribute to this institution's renown, its independence and its ability to play a regulatory and mediation role.

III. CONSTITUTIONAL GUARANTEES AND GENERAL LEGAL FRAMEWORK FOR THE PROTECTION OF HUMAN RIGHTS

A. Constitutional guarantees

34. In its preamble, the Constitution of 20 July 1991 proclaims the attachment of the Mauritanian people to Islam and to the principles of democracy, as defined by the Universal Declaration of Human Rights and the African Charter of Human and Peoples' Rights, as well as by other international conventions to which Mauritania is a party.

35. The Constitution gives human rights constitutional status by providing that "freedom, equality and human dignity can only be assured in a society that respects the rule of law" and reaffirms the commitment of the Mauritanian people to guaranteeing the following rights and principles:

(a) The right to equality;

(b) Human rights and fundamental freedoms;

(c) The right to own property;

(d) Political and trade union freedoms;

(e) Economic and social rights; and

(f) Rights pertaining to the family, the basic unit of Islamic society.

36. Article 10 of the Constitution strengthens Mauritania's commitment to human rights and fundamental freedoms by providing that the State shall guarantee public and individual freedoms to all its citizens and, in particular:

(a) Freedom of movement and residence in any part of the territory of the Republic;

(b) Freedom to enter and leave the national territory;

(c) Freedom of opinion and of thought;

(d) Freedom of expression;

(e) Freedom of assembly;

(f) Freedom to join the political or trade union organization of their choice;

(g) Freedom of trade and industry;

(h) Freedom of intellectual, artistic and scientific creative effort.

37. Article 13, paragraph 3, of the Constitution provides that the honour and privacy of the citizen and the inviolability of his person, his home and his correspondence are protected by law.

38. Under article 80 of the Constitution, international treaties or agreements ratified or approved in the regular manner take precedence, as soon as they are published, over national laws. They may then be invoked before the national courts.

B. Treaty guarantees

39. In addition to the Convention on the Rights of the Child, Mauritania has ratified many other international human rights conventions and the protocols additional thereto. They are the following:

(a) African Charter on Human and Peoples' Rights;

(b) OAU Convention governing the Specific Aspects of Refugee Problems in Africa;

(c) Convention on the Political Rights of Women;

(d) International Convention on the Elimination of All Forms of Racial Discrimination;

(e) International Convention against Apartheid in Sports;

(f) Convention relating to the Status of Refugees;

(g) Slavery Convention;

(h) Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery;

(i) Protocol amending the Slavery Convention;

(j) Forced Labour Convention (Convention (No. 29) adopted on 28 June 1930 by the International Labour Organization);

(k) Abolition of Forced Labour Convention (Convention (No. 105) adopted on 25 June 1957 by the International Labour Organization);

(l) Convention for the suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others;

(m) International Convention on the Suppression and Punishment of the Crime of Apartheid;

(n) Convention on the Elimination of All Forms of Discrimination against Women.